

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Michael Delaney <i>et al.</i>	Examiner:	Thomasson, Meagan J
Application No.:	10/645,153	Group Art Unit:	3714
Filing Date:	August 21, 2003	Confirmation No.	7182
Office Action Date:	February 9, 2007	Docket No.	83336.1535
Title: FIXED POOL BONUS METHOD AND APPARATUS		Customer No.	66880

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR RECONSIDERATION OF PETITION TO CORRECT
INVENTORSHIP UNDER 37 C.F.R. § 1.48(a)**

This request for reconsideration is filed in response to the Decision on Petition mailed September 4, 2007. The Decision stated that this response “should only address the deficiencies noted ... except that the reply may include an oath or declaration executed by the non-signing inventor.” The Applicants respectfully request reconsideration of the Rule 1.48(a) petition filed on August 8, 2007.

Request to Correct Inventorship Under 37 C.F.R. § 1.48(a)(1)

The Applicants respectfully request that the inventorship of U.S. Patent Application No. 10/645,153 be changed from Michael Delaney, Loren Nelson, and Warren White to Michael Delaney, Loren Nelson, Warren White, and Robert A. Luciano, Jr.

Statement Under 37 C.F.R. § 1.48(a)(2)

The Petitions Attorney asserted that the Applicants failed to make an appropriate showing under Rule 1.183 as to why inventor Luciano did not provide a Rule 1.48(a)(2) statement. The Applicants respectfully disagree that Mr. Luciano’s stroke did not meet the “extraordinary situation” standard of Rule 1.183. However, in the *bona fide* interest of furthering prosecution, the Applicants obtained and hereby submit a signed Rule 1.48(a)(2) statement. Therefore, the Applicants respectfully submit that the deficiency has been overcome.

Declaration Under 37 C.F.R. § 1.48(a)(3) / 1.63

The Petitions Attorney asserted that the Applicants failed to provide signed declarations identifying citizenship for inventors Luciano and Nelson. Thus, the Applicants hereby submit signed declarations of Robert A Luciano, Jr. and Loren T. Nelson, both of which identify U.S. citizenship. Therefore, the Applicants respectfully submit that the Rule 1.48(a)(3) / Rule 1.63 deficiency has been overcome.

The Applicants respectfully note that the declarations of Mr. Delaney and Mr. White filed on August 8, 2007 are compliant and are therefore not resubmitted herein.

Processing Fee Under 37 C.F.R. § 1.48(a)(4) / 1.17(i)

The processing fee regarding the August 8, 2007 submission was duly processed.

Written Consent of Assignee Under 37 C.F.R. § 1.48(a)(5)

The Applicants respectfully note that the written consent of the Assignee for the change in inventorship, filed on August 8, 2007, is compliant and is therefore not resubmitted herein.

CONCLUSION

The Applicants have made an earnest and *bona fide* effort to overcome the deficiencies of the August 8, 2007, Rule 1.48(a) petition before the Petitions Attorney. Reconsideration and grant of the petition for the Request to Correct Inventorship under Rule 1.48(a) is respectfully requested.

The Commissioner is hereby authorized to charge the fees indicated in the Fee Transmittal, any additional fee(s) or underpayment of fee(s) under 37 C.F.R. §§ 1.16 and 1.17, or to credit any overpayments, to Deposit Account No. 194293, Deposit Account Name Steptoe & Johnson llp.

Should the Examiner have any questions concerning the foregoing, the Examiner is invited to telephone the undersigned attorney at (310) 734-3200. The undersigned attorney can normally be reached Monday through Friday from about 9:00 AM to 6:00 PM Pacific Time.

Respectfully submitted,



Date: October 22, 2007

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STATEMENT UNDER 37 C.F.R. § 1.48(a)(2)

Dear Sir/Madam:

I hereby declare the following:

(1) I am a joint inventor of the pending claims of U.S. Patent Application No. 10/645,153 ("the Current '153 Application").

(2) I respectfully request that the inventorship of the Current '153 Application be changed from Michael Delaney, Loren Nelson, and Warren White to Michael Delaney, Loren Nelson, Warren White, and Robert A. Luciano, Jr.

(3) The error in inventorship arose without any deceptive intent on my part.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by

fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the Current '153 Application or any patent issued thereon.

Respectfully submitted,

Date: 10/15/07

Robert A. Luciano Jr

Robert A. Luciano, Jr.